

**TYRONE TOWNSHIP ZONING BOARD OF APPEALS MEETING
APPROVED MINUTES – JUNE 2, 2008**

CALL TO ORDER

Chairman Gregory Carnes called the Zoning Board of Appeals Meeting to order on June 2, 2008, at 7:30 p.m., at the Tyrone Township Hall.

ROLL CALL

Present: Commissioners Greg Carnes, David Cypher, Mark Meisel, Debi Smulsky, and Don Bunka

Other: Tyrone Township Zoning Administrator George Van Hecke

Guests: George and Eileen Justice

MINUTES OF APRIL 7, 2008, ZONING BOARD OF APPEALS MEETING

Meisel moved that the minutes of the April 7, 2008, Zoning Board of Appeals Meeting be approved as presented. (Cypher seconded). The motion carried.

READING OF THE PUBLIC NOTICE

The Zoning Board of Appeals Recording Secretary read aloud the public notice for tonight's meeting, which was published in the May 18, 2008, edition of the **TRI-COUNTY TIMES** and was posted at the Tyrone Township Hall on May 15, 2008, at 9:00 A.M.

VARIANCE REQUEST

- #1 George Roger Justice, RE: Request for a 19-Foot Rear Yard Setback Variance for an 18-Foot by 20-Foot Proposed Addition to the Existing House, Located at 9466 Longmeadow, (TAX CODE # 4704-05-201-066). The Proposed Addition Would Bring the Existing Nonconforming Structure of 1040 Square Feet into Conformance for a Minimum Floor Area of 1,200 Square Feet for a One-Story Dwelling.

George Justice requested a 19-foot rear yard setback variance for an 18-foot by 20-foot proposed addition to his existing house. He stated that the builder did not situate the house correctly on the lot. He continued that this is an odd shaped corner lot with a steep grade. He stated that the west end of the existing house is 32 feet from the rear yard already. He stated the proposed addition would be 31 feet from the rear yard property line. He continued that the proposed addition would not have an impact on traffic. He stated the adjacent neighbor gave written consent for the approval of the proposed addition.

COMMENTS AND QUESTIONS BY ZONING BOARD OF APPEALS MEMBERS

Carnes stated that the existing house is already nonconforming by 18 feet and the proposed addition would be nonconforming by 19 feet. Meisel stated the proposed addition would eliminate an existing nonconformity relative to the minimum floor area of 1,200 square feet for a one story dwelling and worsen the other nonconformity by an additional foot. In response to Cypher's question, Mr. Justice stated the letter of support for the proposed addition is from Scott Maidment, tax code # 4704-05-201-065, whose property is adjacent to the rear lot line where the variance is needed. Mr. Justice stated that a 12 by 16-foot deck with an attached top has already been torn down. In response to Bunka's question, Mr. Justice answered that he could not change the proposed addition size from 20 feet deep by 18 feet wide to 18 feet deep by 20 feet wide because of the

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location of the septic field and septic tank. He continued that the proposed addition starts at the corner of where the house and garage are attached. In response to Bunka's question, Carnes responded that the footings in relation to the septic tank are not a concern of the Board, but a concern of the Livingston County Building Department. In response to Smulsky's question, Mr. Justice answered that they have owned the house for three years.

PUBLIC COMMENT

None. The Board reviewed written correspondence from Scott Maidment, 11300 Forest Hills, Tax Code # 4704-05-201-065, stating support for the granting of the variance for the proposed addition by Mr. Justice.

MOTION

Meisel moved to grant the variance request by of George Roger Justice for a 19 foot rear yard setback variance for a proposed 18 foot by 20 foot addition to the existing house, located at 9466 Longmeadow, Tax Code: 4704-05-201-066, based upon the following findings of fact: Unreasonable Burden: The home was located incorrectly by the builder on the lot. As a result, the current non-conformance relative to minimum square footage is challenged with respect to available space within the allowed setbacks and is further limited by the location of the existing septic field. Substantial Justice: Allows the owner/applicant to further improve their property while also eliminating an existing non-conformance relative to minimum square footage while only slightly increasing the rear yard setback non-conformance. A letter of support from the rear facing neighbor has also been received. Minimum variance required: The minimum variance required is being requested to complete the building modifications requested by the applicant and is also the minimum size required to eliminate the minimum square feet requirement for a single story residence non-conformance (1200 square feet minimum). Extraordinary Circumstances: The home was located incorrectly by the builder on the lot. As a result, the current non-conformance relative to minimum square footage is challenged with respect to available space within the allowed setbacks and is further limited by the location of the existing septic field. Health & Safety: The health and safety of the applicant and the surrounding residents are unaffected. [Ref. Tyrone Township Zoning Ordinance No. 36 – Sections 20.01 (Schedule of Regulations) and Section 20.02G (Footnotes to Schedule of Regulations)]. (Smulsky seconded.) Roll call vote: Smulsky, yes; Meisel, yes; Cypher, yes; Carnes, yes; Bunka, yes. The motion carried.

MISCELLANEOUS BUSINESS

The Board reviewed the letter from Mark and Wendy Whalen, requesting an extension on the variance granted to them at the September 10, 2007 Zoning Board of Appeals meeting. According to Zoning Ordinance 36 - Section 28.07 – Approval Period (Exceptions, variances, and boundary and setback determinations shall be vested in the affected property, and shall pass with title to such property. No time limit shall be made a part of such determination. Where the determination of the Zoning Board of Appeals provides for the issuance of a land use permit, such permit shall be obtained within six (6) months of ZBA approval. If no permit is obtained within the six (6) month period, the approval shall become void and of no effect.), the issuance of a land permit within the 6 month period was not obtained and the approval became void. Mark and Wendy Whalen will need to come back to the ZBA and request a

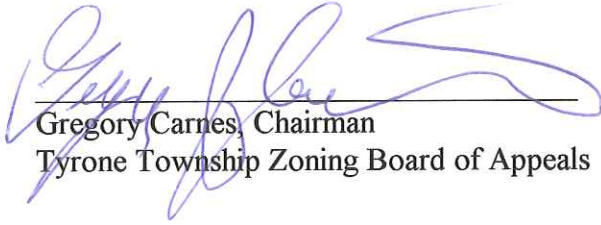
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variance again. They could, however, petition the Township Board to waive the normal charges and ask to pay a lesser fee, since there would be no changes to their request. At a minimum, they should have to pay for copies, postage, publication fees, and secretarial fees.

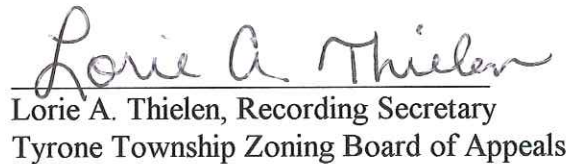
The next regular meeting of the Tyrone Township Zoning Board of Appeals is scheduled for Monday, July 7, 2008 at 7:30 p.m.

ADJOURNMENT

The meeting ended at 8:14 p.m.



Gregory Carnes, Chairman
Tyrone Township Zoning Board of Appeals



Lorie A. Thielen, Recording Secretary
Tyrone Township Zoning Board of Appeals

c File

Tyrone Township Clerk

Tyrone Township Zoning Administrator

Tyrone Township Zoning Board of Appeals Commissioners